



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/295,212	04/21/99	MELLARDO	J MELLARDO-1

MM71/1228
MENOTTI J LOMBARDI
ITT FLUID TECHNOLOGY
10 MOUNTAINVIEW ROAD
UPPER SADDLE RIVER NJ 07458

EXAMINER

MAYO III, W

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 12/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/295,212

Applicant(s)

JOHN MELLARDO

Examiner

William H. Mayo III

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bayh, III (Pat Num. 4,913,239). Bayh, III disclose an apparatus (i.e. cable arrestor, Figs 1-6) in combination with an energized-fluid conduit (Col. 1, lines 35-40) which houses a conduit (20-Fig 1) for transporting the energized fluid conduit (Col. 1, lines 35-40); a plurality of power conductors (88, 89, & 90-Fig 2C) confined within the conduit (20) and means (45-Fig 1) removable fixed to the conduit (20-Col 4, lines 1-4) for holding the power conductors (88, 89, & 90) in a spaced apart disposition across the conduit (20). With respect to claim 2, the means (45) comprises a means (i.e. platform-Fig 3A) for bridging across an intermediate portion of the conduit (20). With respect to claim 3, the bridging means comprises a platform (Fig 6) having conduit engaging supports (Fig 3A, 37, 38, i.e. brackets). With respect to claim 4, the bridging means comprises an aperture platform (Fig 6), threaded pipe couplers (bottom of Fig 2A), which are in fixed alignment with the apertures (where the power conductors are located) and brackets (37, 38) for removably fixing the platform (Fig 6) across the conduit (20, Col. 4, lines 1-4). With respect to claim 7, there exist a means (128, 129, & 130) engaged with the power conductors (88, 89, & 90) for strain relieving the conductors (Col. 6, lines 52-57).

With respect to claim 8, there exist a means (70, i.e. pump) in the form of control devices for energizing the fluid with the conduit (20) and wherein the cables (128, 129, & 130) are coupled to the control devices (Col. 4, lines 9-11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayh, III (Pat Num. 4,913,239). Bayh, III discloses an apparatus (i.e. cable arrestor, Figs 1-6) in combination with an energized-fluid conduit (Col. 1, lines 35-40) which houses a conduit (20-Fig 1) for transporting the energized fluid conduit (Col. 1, lines 35-40); a plurality of power conductors (88, 89, & 90-Fig 2C) confined within the conduit (20) and means (45-Fig 1) removable fixed to the conduit (20-Col 4, lines 1-4) for holding the power conductors (88, 89, & 90) in a spaced apart disposition across the conduit (20). With respect to claim 6, the power conductors (88, 89, & 90) terminate in a threaded pipe (Fig 3A) and the pipes are threaded engaged with pipe couplers (see Fig 3B). With respect to claim 9, the cable arrestor (Fig 1) further includes an axial pump (70) wherein the power conductors (88, 89, & 90) terminate in a threaded pipe fittings (Fig 3A) and the pump (70) has a thread pipe coupler (71) in which is threaded to receive a sheathing pipe fitting (see Fig 2F).

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However, Bayh, III doesn't necessarily disclose that the cable is jacketed with a sheath (claims 5-6 and 9). However, it is known practice to have cables that are utilized in wellbore areas are jacketed with an outer protective sheath in order to prevent corrosion and damage to the inner conductors. *pg 12 | 18 | 20*

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cable of Bayh, III to be made with an outer protective sheath, since it is well known in the art of underwater cables that outer sheaths are utilized for protecting the inner conductors of the from external forces and corrosion.

Conclusion

5. Based on the new rejection, this action is non-final.
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are Bayh, III, (Pat Num. 4,749,341, 4,589,482, and 4,625,798), Taylor (Pat Num. 4,128,127, and 4,363,359), Setterberg, Jr. (Pat Num. 4,502,536), all of which disclose underwater cables having fluid passages and different cable separators.

Communication

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703)

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306-9061. The examiner can normally be reached on M-F 8:30 a. m. -6:00 p.m.
(alternating Friday's off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

WHM III
December 12, 2000


Dean A Reichard
Primary Examiner